

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONALD R. SANTOS,

Plaintiff(s),

vs.

ISIDRO BACA, et al.,

Defendant(s).

Case No. 2:11-cv-01251-KJD-NJK

ORDER

(Docket No. 138)

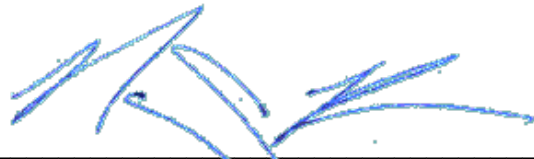
Presently before the Court is Plaintiff's motion for the imposition of sanctions. Docket No. 138. Defendants filed a Response, and Plaintiff replied. Docket Nos. 145, 149.

This a prisoner's civil rights case. Plaintiff argues that the Court should sanction Defendants because the Attorney General's Office for the State of Nevada did not accept service for Defendants Schaff, Scilia, Mohlenkamp, Ferguson ("FSE Defendants"), who are former state employees. The Attorney General's Office; however, "is not authorized to automatically accept service on behalf of a former state employee." *Hilford v. Rowley*, 2013 WL 2323140, at *6 (D. Nev. May 21, 2013) *opinion modified in part on other grounds*, 2013 WL 2319261 (D. Nev. May 24, 2013). "Instead[,] a former employee must request that the Attorney General represent him or her in a suit arising out of employment with the state." *Id*; see *Rowley*, 2013 WL 2319261, at *4 (holding that "if the Attorney General's Office indicates that it will not accept service on behalf of [a former state employee] within twenty-one days of the date of this order, the Clerk shall issue a summons for [Defendant]

1 and send the same to the U.S. Marshal with the address previously provided under seal.”). Here,
2 Plaintiff concedes that the FSE Defendants are former employees of the State of Nevada. Docket
3 No. 46 at 1. The Attorney General’s Office therefore was not required to accept service on FSE
4 Defendants’ behalf until they requested its representation. Since the FSE Defendants requested its
5 representation after they were served, the Attorney General’s Office did not perform sanctionable
6 conduct by refusing to accept service in this case. Accordingly, Plaintiff’s motion for sanctions is
7 DENIED.

8
9 **IT IS SO ORDERED.**

10 DATED: September 16, 2015

11
12 

13 _____
14 NANCY J. KOPPE
15 United States Magistrate Judge
16
17
18
19
20
21
22
23
24
25
26
27
28